

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WARREN CHAPMAN,	§
	§ No. 244, 2011
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 9905015253
Plaintiff Below-	§
Appellee.	§

Submitted: August 17, 2011

Decided: October 12, 2011

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices

ORDER

This 12th day of October 2011, after careful consideration of the parties' arguments on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's April 27, 2011 order adopting the Commissioner's report dated November 23, 2010. The Superior Court did not err in concluding that appellant's third motion for postconviction relief was untimely, and appellant had failed to overcome this procedural hurdle.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice